

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

The State of Texas, et al.,

Plaintiffs,

v.

Google LLC,

Defendants.

Case No. 4:20-cv-00957-SDJ

Hon. Sean D. Jordan

Special Master: David T. Moran

**JOINT STATUS REPORT TO THE SPECIAL MASTER
FOR THE MARCH 7, 2024 HEARING**

Pursuant to the Special Master's Order (ECF No. 227), Plaintiff States ("States") and Defendant Google LLC ("Google") submit this Joint Status Report in advance of the March 7, 2024 hearing before the Special Master.

The Parties provide the below updates regarding each issue briefed to the Special Master and look forward to discussing them further with the Special Master at the upcoming hearing.

States' Disputes

The Parties have discussed narrowing and potential resolutions with respect to the following issues, raised by the States—but, given the upcoming fact discovery cutoff and the need for concrete deadlines and timelines, the States request that the Special Master set the following deadlines:

1. **The States' requests as to Google's production of Google Chats:** The States have requested that Google provide the following previously requested information regarding Google's asserted inability to extract and produce basic metadata (*e.g.*, dates, participants) for its chats: (1) whether that metadata exists and is maintained or kept somewhere in Google's ecosystem; (2) if so, whether it can be extracted and produced to the States; and (3) if Google cannot extract it automatically and must manually populate the metadata with the underlying Google Chats, then whether Google can produce the metadata in raw, native, or other form (*e.g.*, in Excel or other workable format) to the States, or whether Google can propose another workable solution that provides the basic metadata to the States.

The States request that Google provide the above information by March 11, 2024.

2. **The States' request for Search trial transcripts and exhibits:** The States have accepted Google's offer "to review any non-public trial transcripts of Google witnesses to ascertain whether their testimony bears on the claims and defenses in this case (*e.g.*, digital advertising-related market definition or display ad tech products and services). If relevant testimony is identified, Google will produce relevant portions of testimony together with any exhibits that are referenced in those relevant portions, subject to the protective order."

The States request that Google complete this review and production by March 26, 2024.

3. **Texas's requests for production related to its state-law DTPA claims:** On February 26, the States proposed initial search terms or strings and four new custodians, and now agree to limit the new custodians to ten total, conditioned on the requirement that Google identify and propose the six other custodians by March 11, 2024. Yesterday afternoon, on March 5, 2024, Google emailed a counterproposal on search strings, which the States are reviewing and considering.

The States request that Google provide six new custodian names by March 11, 2024.

Google's Disputes

Google provides the following status update:

1. **Adequate Responses to Interrogatories 9, 29-31**: Plaintiffs have not yet revised their responses to these interrogatories and Google seeks the Special Master's intervention to compel responses or, alternately, to review and recommend production of the interview memoranda that Plaintiffs claim are attorney work product.
2. **Plaintiffs' Use of Ad Tech (Interrogs. 15-17; RFPs 17-41)**: As an update, Google has recently learned that one other state (Utah) also uses Ad Tech. Google requests that the Special Master direct *all* Plaintiffs using Ad Tech to obtain and produce relevant documents from the ad agencies they have hired in order to satisfy their own discovery obligations.
3. **Claims, Remedies, and Damages (Interrogs. 2, 4, 5, & 26)**: Plaintiffs have not provided adequate responses to these interrogatories and maintain they are not deficient. Accordingly, Google requests that the Special Master direct Plaintiffs to supplement their responses as outlined in Google's brief.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that, on March 6, 2024, this document was filed electronically in compliance with Local Rule CV-5(a) and served on all counsel who have consented to electronic service, per Local Rule CV-5(a)(3)(A).

/s/ Geraldine Young
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